

ARKANSAS SUPREME COURT

No. CR 08-780

FERNANDO RODRIGUEZ
Petitioner

v.

HON. DAVID S. CLINGER, CIRCUIT
JUDGE
Respondent

Opinion Delivered October 22, 2008

PRO SE PETITION FOR WRIT OF
MANDAMUS [CIRCUIT COURT OF
BENTON COUNTY, CR 2005-939]

PETITION MOOT.

PER CURIAM

Now before us is a pro se petition for writ of mandamus filed by petitioner Fernanco Rodriguez. The petition asks this court to direct the circuit judge below to hold an evidentiary hearing on an amended petition pursuant to Arkansas Rule of Criminal Procedure 37.1 and to otherwise act on the petition. For the reasons stated herein, the petition is moot.

In *Rodriguez v. State*, 372 Ark. 335, ___ S.W.3d ___ (2008), we affirmed petitioner's conviction for first-degree murder and sentence of life imprisonment. On March 24, 2008, petitioner timely filed in the trial court a pro se Rule 37.1 petition which included a request to amend the petition and file an over-length amended petition. On June 4, 2008, the trial court entered an order that denied the original Rule 37.1 petition and the motion to file an amended petition.

On July 2, 2008, petitioner filed the instant petition for writ of mandamus. As Judge Clinger has entered an order disposing of the Rule 37.1 petition and amended petition, the petition for writ of mandamus is moot.

Petition moot.